

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
August 11, 2009**

*Approved
09/01/2009*

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Gene Langan, Vicki Carmean, Buzz Henifin, Audrey Serio, Todd Smallwood, Win Abbott and Pat Schuchman.

Absent: Winnie Lewis

Public Attendance: Gail Warburton

Minutes:

- Vicki Carmean made a motion to approve the minutes of July 7, 2009 seconded by Gene Langan.

Discussion of Ordinances Under Review:

- Bill Weistling advised that this will be a new item for discussion on future agendas in order to briefly go over previous discussions from past meetings on proposed amendments to the ordinance.
- Bill introduced a draft amendment to Chapter 95 – Hazardous Materials. The code currently restricts only transport of hazardous materials through Town. The intent is to include restrictions on hazardous materials such as pool chemicals, acids, etc., that may be stored for personal use within Town.
 - §95-1 will amend the definition of hazardous materials
 - §95-1.1 will restrict storage of hazardous materials
 - §95-2 will include regulations as covered by U.S. D.O.T.
 - Will contact Bethany Beach to see how concerns are handled, i.e., Fire Department or Fire Marshall.
- Bill referred to a past request by Chief Boyden to amend Chapter 77 – Disorderly Conduct – in order to curtail problem areas such as juvenile curfews, disorderly houses, etc.
- Buzz Henifin reviewed some concerns he has with the verbage in Chapter 13 – Voting. It was discussed and agreed that most concerns had already been dealt with and may not be in latest codification of codebook.
- Wind turbines were discussed and Bill reminded all that a first reading has been approved and a public hearing is scheduled before the second reading at the August Town Council meeting.

Codebook Updates:

- Discussion included changing penalties to \$200 in §100-16 and to re-locate this section to the end of the Chapter.
- Beach concessions needs to be added to §100-3 to include this as a business that requires a license.

- §100-3D will be amended to refer to any vending machines as dispensing machines.
- §100-4A11(a) will be deleted since inclusion is no longer applicable.
- Some minor edits in Chapter 100 were suggested.
- Win Abbott suggested that the Town adopt by Resolution a policy for awarding a bid to a beach concessionaire rather than including such an amendment in the Code. This will allow more flexibility for Council to award a bid. He will contact Tempe to verify that beach concessions can be handled as a Resolution instead of ordinance.
- Win asked that C&O begin work on beach concessionaire requirements in September in order that it can be implemented by January.
- Bill will review both Bethany Beach and Rehoboth Beach ordinances and seek Tempe's recommendations.
- Chapter 116 – Peace and Good Order – was discussed and agreed that an amendment also needs to be implemented to allow for beach concessions.
- A proposed 1st Reading will be presented at the August Town Council Meeting to add “unless approved by the Town Council” to §116-2.

Comprehensive Plan:

- Winnie Lewis was not in attendance, however Bill commented that each C&O meeting continues to address the goals of the Planning Commission.

Next Meeting:

- Next meeting – September 1, 2009
- Discussions planned will be:
 - Codebook Updates (Chapter 100 - Lighting)
 - Beach concessions

Old:

- None

New:

- Gail Warburton expressed her concerns that cars are parking at the vacant lot owned by PNC Bank and stated that the Zoning code does not allow parking on a vacant commercial lot. Gail was informed that the Town cannot issue parking tickets on private property.
- Audrey Serio stated she would ask Win to send letters to all owners of vacant commercial lots and ask their assistance in preventing this occurrence.

Adjourn:

- Vicki Carmean made a motion to adjourn the meeting, seconded by Todd Smallwood. The meeting was adjourned at 11:30 a.m.